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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,303	03/05/2002	Dietmar Weissflog	091395/9206	2839

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MICHAEL BEST & FRIEDRICH LLP
3773 CORPORATE PARKWAY
SUITE 360
CENTER VALLEY, PA 18034-8217

EXAMINER

VAN PELT, BRADLEY J

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,303

Applicant(s)

WEISSFLOG, DIETMAR

Examiner

Bradley J Van Pelt

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamata (USPN 4,759,618).

Kamata discloses three spacers positioned circumferentially about an axis spirally configured, the first end of each spacer being axially spaced from the second end of an adjacent spacer with each spacer configured to be positioned within a respective one of the pairs of spiral raceways (see fig 3);

spacers are made of friction reducing material (column 3, lines 59-60);

spiral surfaces describe a circular arc of approximately 120°, spiral surfaces are secured to an inner or outer circumference of said at least one sleeve;

two concentric cylinders differing in diameter (see figs. 1 and 2, 2c is part of a cylinder);

friction-reducing material is a bronze alloy or plastics material (column 3, lines 59-60).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamata in view of Heinz (USPN 4,420,987)

Kamata discloses all of the instantly claimed invention except heels.

Heinz shows heels (24, 30).

To modify the apparatus of Kamata so as to provide heels would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Heinz that such an arrangement improves stability.

5. Claims 6-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamata in view of Owens (USPN 4,909,644).

Kamata discloses all of the instantly claimed invention except rolling elements.

Owens shows rolling elements (13).

To modify the apparatus of Kamata so as to include rolling elements would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Owens that such an arrangement aids in the actuation of the device.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamata in view of Owens as applied to claims 6-8 and 11 above, and further in view of Heinz.

The above reference combination shows all of the instantly claimed invention except heels.

Heinz shows heels (24, 30).

To modify the apparatus of Kamata so as to provide heels would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Heinz that such an arrangement improves stability.

Response to Arguments

7. Applicant's arguments filed October 8, 2004 have been fully considered but they are not persuasive. The applicant argues that the camming grooves of Kamata are not spacers, however anything that takes up space is considered a spacer. The applicant argues the camming grooves are not configured to be positioned within a respective pair of spiral raceways; nonetheless the grooves lie between the respective grooves in the radial direction. The applicant argues that one would not look to the minimal force-transmitting configuration of Kamata. This is not relevant to a 102 rejection. The applicant argues that Kamata does not show the spacers being secured to both sleeves. The spacers are fixedly secured to the sleeve 20 on the exterior surface and secured to the outer sleeve 2 on the inner surface; thus the spacers are secured between both sleeves. Finally, the applicant argues there is no suggestion to provide rolling elements in the cam following tracks. It is submitted that cam-rolling elements are well known in the art to provide a smoother operation by reducing the friction between the cam and the roller.

Conclusion

8. This is an RCE of applicant's earlier Application No. 10/070,303. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).¹

¹ The applicant indicated in the response filed October 8, 2004, that the examiner did not enter the response filed on April 6, 2004 in the advisory action mailed July 30, 2004. The examiner only indicated that the response did not place the application in condition for allowance. All of the response filed October 8, 2004 was entered.

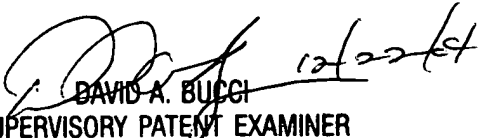
Art Unit: 3682

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJVP 
DAVID A. BUCCI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600